

Municipal Clerk
Atlanta, Georgia

03-0-0533
UEZ-03-07

**A SUBSTITUTE ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

A SUBSTITUTE ORDINANCE TO CREATE THE "PITTSBURG REDEVELOPMENT HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 473 (f.k.a. 455, et al) ROCKWELL STREET, S.W. (a.k.a. 801 McDANIEL STREET, S.W.), AND FOR OTHER PURPOSES.

NPU "V"

COUNCIL DISTRICT 4

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "Pittsburg Redevelopment Housing Enterprise Zone";

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Pittsburg Redevelopment Housing Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Pittsburg Redevelopment Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Pittsburg Redevelopment Housing Enterprise Zone" is hereby created for the subject property at 473 (f.k.a. 455, et al) Rockwell Street, S.W. (a.k.a. 801 McDaniel Street, S.W.), which represents property parcel code number (PCN) 14-0086-0007-209-8 and contains 10.1 acres of land. The effective date of all exemptions established therein shall be January 1, 2004. The "Pittsburg Redevelopment Housing Enterprise Zone" shall be abolished on December 31, 2013. The "Pittsburg Redevelopment Housing Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "Pittsburg Redevelopment Housing Enterprise Zone" are attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3. The "Pittsburg Redevelopment Housing Enterprise Zone" shall be developed as a residential development project, which shall consist of 220 apartment units. The project shall contain approximately 220,458 square feet of building space within one building.

Section 4. The development of the "Pittsburg Redevelopment Housing Enterprise Zone" shall meet or exceed the "housing affordability requirements" for urban enterprise zone designation, which are defined as follows, per City Code Section 146-52(2)b1: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. The "Pittsburg Redevelopment Housing Enterprise Zone" shall consist of the following breakdown of affordable housing units: 129 of the total 220 housing units (59%), which shall be comprised of 28 of the 45 one-bedroom units (62%), 79 of the 138 two-bedroom units (57%), and 22 of the 37 three-bedroom units (59%).

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Pittsburg Redevelopment Housing Enterprise Zone" to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 6: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

main parcel

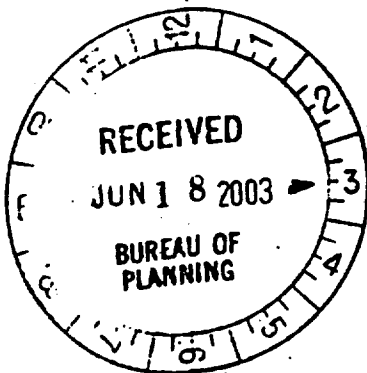
UEZ-03-07

EXHIBIT "A"

Legal Description

All that tract or parcel of land lying and being in Land Lot 86 of the 14th District of Fulton County, Georgia and being more particularly described as follows:

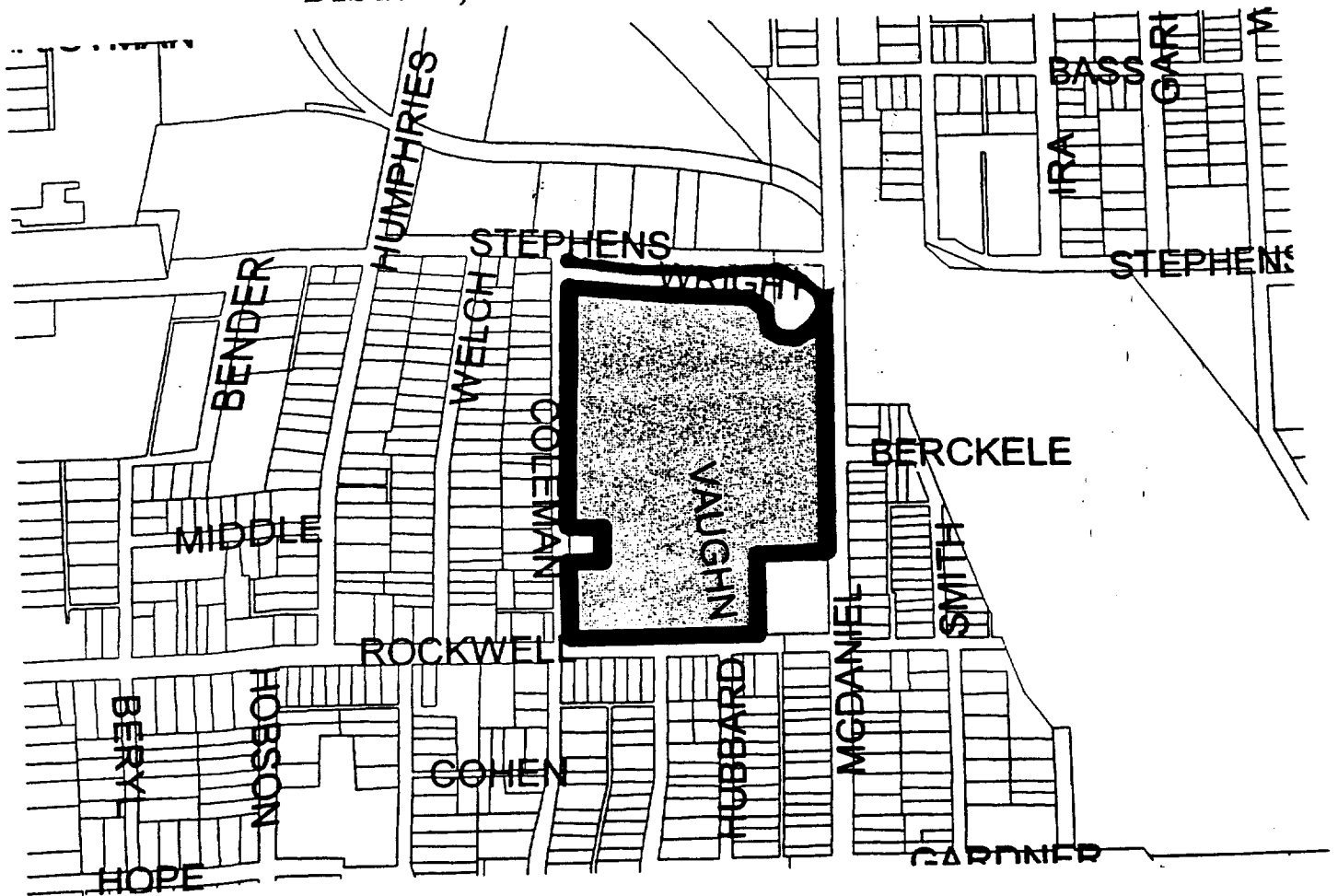
BEGINNING at a point being the intersection of the northerly right of way of Rockwell Street (37.9 feet from original centerline) and the easterly right of way of Coleman Street (34 feet from original centerline); thence along said right of way of Coleman Street and running North 00° 01' 32" East a distance of 209.11 feet to a point thence leaving said right of way of Coleman Street and running North 89° 58' 55" East a distance of 99.00 feet to a point; thence North 03° 24' 47" West a distance of 50.01 feet to a point; thence North 89° 58' 28" West a distance of 96.00 feet to a point on the easterly right of way of aforementioned Coleman Street; thence along said right of way and running North 00° 01' 32" East a distance of 574.10 feet to a point on the southerly right of way of Wright Court (25 feet from centerline); thence along said right of way of Wright Court the following bearings and distances: South 83° 32' 23" East a distance of 235.81 feet to a point; thence along a curve to the left an arc distance of 80.66 feet (said curve having a radius of 1560.28 feet; a chord distance of 80.65 feet and a chord bearing of South 85° 21' 07" East) to a point; thence along a curve to the right an arc distance of 74.80 feet (said curve having a radius of 50.88 feet; a chord distance of 68.24 feet and a chord bearing of South 53° 36' 14" East to a point); thence along a curve to the left an arc distance of 221.16 feet (said curve having a radius of 75.85 feet; a chord distance of 150.73 feet and a chord bearing of North 88° 59' 02" East) to a point on the westerly right of way of McDaniel Street (25 feet from centerline); thence along said right of way of McDaniel Street and running South 00° 50' 27" West a distance of 560.18 feet to a ½" rebar found; thence leaving said right of way of McDaniel Street and running North 89° 55' 12" West a distance of 170.02 feet to a ½" rebar found; thence South 00° 51' 59" West a distance of 199.80 feet to a ½" rebar found on the northerly right of way of aforementioned Rockwell Street; thence along said right of way and running North 89° 55' 48" West a distance of 419.25 feet to the POINT OF BEGINNING. Said tract containing 9.813 acres.



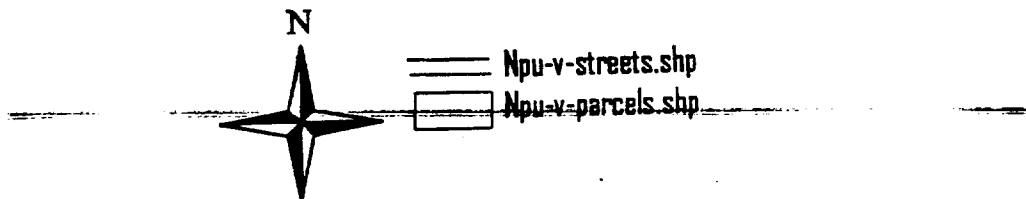
ATTACHMENT F

PITTSBURG REDEVELOPMENT HOUSING ENTERPRISE ZONE

473 (f. k. a. 455, et al) ROCKWELL ST. SW
(a. k. a. 801 MCDANIEL ST. SW)
DIST. 14, LAND LOT 86 , COUNCIL DIST. 4



UEZ - 03 - 07



PROJECT CHECKLIST FOR UEZ-03-07:

Proposed "Pittsburg Redevelopment Housing Enterprise Zone"

To be Located at 473 (f.k.a. 455, et al) Rockwell Street, SW (a.k.a. 801 McDaniel Street, S.W.)

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
1. Eligibility Criteria:	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of 29.1% for Census Block Group 2 of Census Tract 57, which is more than the required minimum of 20%.	√
b. Unemployment	b. Unemployment: (1) Census Tract having at least 10% higher than the State Average; OR (2) Significant Job Loss, to be documented by the applicant.	b. Unemployment: (1) Census Block Group 2 of Census Tract 29.1% has an unemployment rate of 8.7%, which is more than 10% higher than the State Average of 4%. (2)	√
c. General Distress	c. General Distress: (1) Police Beat crime rate of $\geq 20\%$ compared to the police zone; OR (2) Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. General Distress: (1) Police beat 301 has a crime rate of 62%, which exceeds that of Police zone 3. (2)	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. Underdevelopment: NPU "V" has -11% of development activity within the City for residential development, which exceeds the requirement of $\leq 20\%$.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 10.1 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Medium-Density Residential." Allowed F.A.R.: 0.699. Property lies within the boundaries of the Pittsburgh Redevelopment Plan Area, which has a pending CDP land use amendment (CDP-03-02), although the land use designation of this tract would not change.	Proposed FAR: 0.696.	√
4. Zoning Compliance	Zoned "RG-3-C" (Residential-General—Sector 3—Conditional), per Z-71-66. Although a rezoning via Z-02-18 was approved for the entire Pittsburgh Redevelopment Plan Area, it did not change the zoning of this tract.	Proposed uses are allowed within "RG-3." Conditions #2 and #3 of Z-71-66 were officially determined to be unenforceable as a matter of law. An administrative site plan amendment to Z-71-66 was approved by the Bureau of Planning on April 21, 2003.	√
5. Project Specificity	Project-Specific Zone or Areawide Zone.	Project-Specific.	√
6. Project Readiness	≥ 30% of housing units to be initiated in Year 1 of the UEZ.	66 units/30% of total.	√
7. Non-Displacement	Minimum Displacement	Applicant certifies that no displacement has occurred on the site. However, if the applicant succeeds in obtaining Low-Income Housing Tax Credits through the Georgia Department of Community Affairs (GDCA), the existing residents would be relocated and the existing improvements would be demolished. Under the current Housing Assistance Payment (HAP) Contract with the U.S. HUD that covers the property, no displacement or relocation of residents can occur before August 2004. At that time, the applicant would submit a written relocation plan and all residents would be relocated in accordance with the Uniform Relocation Act (URA) and all applicable regulations of GDCA.	√

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
8. Affordability	Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures.	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation: 129 of the total 220 housing units (59%), which shall be comprised of 28 of the 45 one-bedroom units (62%), 79 of the 138 two-bedroom units (57%), and 22 of the 37 three-bedroom units (59%).	√
9. Provision for Atlanta Police officers and their families (Housing and Mixed-Use Residential/ Commercial Enterprise Zones)	5% of available units to be offered to Atlanta Police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability.	Applicant certifies compliance.	√
10. Job Creation	First Source Jobs Policy	Would create ten fulltime, permanent new jobs.	√
11. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> a. Negative cash flow; OR b. Debt coverage ratio <1.20; OR c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.	Proposed development project would have a negative cash flow and a debt coverage ratio of <1.20.	√



CITY OF ATLANTA

SHIRLEY FRANKLIN
MAYOR

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DEPARTMENT OF
PLANNING AND
COMMUNITY DEVELOPMENT

CHARLES C. GRAVES, III
COMMISSIONER

BEVERLEY DOCKERAY-OJO
INTERIM DIRECTOR
BUREAU OF PLANNING

February 21, 2003

Mr. Breck Kean, Manager
CMP CHP Pittsburg, L.P.
C/o Capitol Housing Partners of Atlanta
241 Peachtree Street, Suite 300
Atlanta, Georgia 30303

Dear Mr. Kean:

This letter serves as notification of several matters pertaining to the urban enterprise zone application that you recently submitted to us as part of Cycle I, 2003.

Receipt of the UEZ Application. We received your Urban Enterprise Zone (UEZ) application for property that is located at 455 Rockwell Street, SW. You have proposed the creation of the "Pittsburg Redevelopment Housing Enterprise Zone" for the subject property. Your application was assigned the case number of UEZ-03-07. We are reviewing it for completeness and accuracy, and will be contacting you soon by telephone concerning any additional information or clarification that we need.

Completion of the UEZ Eligibility Analysis. Meanwhile, we have completed the UEZ eligibility analysis for the subject property, as attached. We are pleased to inform you that we have determined that the subject property IS ELIGIBLE for urban enterprise zone designation.

Required NPU Meeting. As part of the UEZ designation process, you are required to attend a Neighborhood Planning Unit (NPU) meeting. Your property is located in NPU "V." We are scheduling your UEZ case for the NPU "V" meeting on Monday, March 10, 2003, beginning at 7:00 p.m. It will be held in the Community Room on the Ground Floor of the Mechanicsville Library at 400 Formwalt Street, SW. Please attend this meeting (or send a designee) and make a presentation of your application. The NPU "V" members will vote on your application, with such vote serving as a recommendation to City Council. Please note that it is possible that NPU "V" members may request that you also attend one or more neighborhood association meetings before or after the NPU "V" meeting. Please contact the NPU "V" Chairperson, Wendy Scruggs-Murray, immediately at (404) 521-9070 (office) concerning this.

Required Public Hearing & Optional Committee Meeting. The second required meeting is the public hearing to be conducted by the City's Community Development/Human Resources (CD/HR) Committee on Monday, May 12, 2003. The public hearing will be held in the City Hall Council Chambers on the Second Floor of City Hall (at 55 Trinity Avenue), beginning at 6:00 p.m. Please be prepared make a presentation about your UEZ application and to answer any questions at the public hearing. We encourage you to also attend the CD/HR Committee meeting to be held the following day, on Tuesday, May 13, 2003, where the CD/HR Committee will vote on your application and make a recommendation to the full City Council. That meeting will be held in Committee Room #2 on the Second Floor of City Hall (55 Trinity Avenue), beginning at 1:00 p.m.

Creation of the Urban Enterprise Zone. Provided that no deferrals have occurred, the full City Council will then vote on your case at its regular meeting on May 19, 2003. If the City Council votes to approve your case, the Mayor then is allowed up to eight days in which to sign the ordinance for the creation of your proposed urban enterprise zone. Thereafter, the ordinance becomes law, with or without the Mayor's signature. The new urban enterprise zone would exist for ten years. You are cautioned that no building construction or renovation activity may begin before the ordinance to create your proposed urban enterprise zone has been adopted. However, pre-construction activities, such as demolition, clearance, and infrastructure installation, are allowed.

UEZ Tax Abatements. You have requested that your urban enterprise zone tax abatement begin on January 1, 2005, such that 2005 is the first year in which the property can receive tax abatements on new or renovated improvements. The condition for the receipt of this tax abatement, you may recall, is that the construction or renovation of at least 30 percent of all proposed housing units on the property must be underway by December 31, 2005. Tax abatements are made on the new improvements or new renovations only, at 100 percent for the first five years. Thereafter, the tax abatements are 80 percent for Years 6 & 7, 60 percent for Year 8, 40 percent for Year 9, and 20 percent for Year 10. Some restrictions apply.

Thank you for participating in the Urban Enterprise Zone Program. If you have questions regarding any of these matters, please contact me at (404) 330-6637. For further information concerning the NPU meeting, you may contact the NPU Coordinator, Valerie Bell-Smith, at (404) 330-6899.

Sincerely,



Linda M. Logan, AICP
Principal Planner
Bureau of Planning

/lml/Attachment

xc: Charles Graves, Commissioner
Beverley Dockeray-Ojo, Interim Director
Sara Wade Hicks, Assistant Director



CITY OF ATLANTA

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CHARLES C. GRAVES, III
COMMISSIONER

February 21, 2003

BEVERLEY DOCKERAY-OJO
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BUREAU OF PLANNING

Mr. Breck Kean, Manager
CMP CHP Pittsburg, L.P.
c/o Capitol Housing Partners of Atlanta
241 Peachtree Street, Suite 300
Atlanta, Georgia 30303

Dear Mr. Kean:

Presented below is the Urban Enterprise Zone (UEZ) Eligibility Analysis for your UEZ application. This analysis is based on demographic data for 2002. Please contact me at (404) 330-6637 with any questions that you might have.



Linda M. Logan, AICP, Principal Planner

PROPERTY IDENTIFICATION DATA

Address: 455 Rockwell Street, SW	PCN: 14-0086-009-088
Census Tract: 57	District/Land Lot: 14/86 NPU: "V" Council District: 4
Case Number: UEZ-03-07	Proposed UEZ Name: "Pittsburg Redevelopment Housing Enterprise Zone"

U.E.Z. ELIGIBILITY ANALYSIS

REQUIRED CRITERION	UNIT(S) OF MEASURE*	U.E.Z. FINDING(S) AND CONCLUSIONS**
1. Evidence of Pervasive Poverty: $\geq 20\%$.	Census Tract: 57. Census Block Group: 2.	Poverty Rate is 29.1% ($>20\%$). Meets this criterion.
2. Unemployment: a. At least 10% higher than the State Average; OR b. Significant Job Loss.	a. Percentage for the Census Tract: 8.7%. b. Documentation from the applicant.	a. Unemployment Rate is at least 10% higher than the State Average. b. Significant Job Loss is undetermined. Meets this criterion.
3. General Distress: a. High Crime (Police Beat crime rate of $\geq 20\%$ compared to the Police Zone); OR b. Existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	a. Police Beat/Zone: 301/3. Crime Rate: 62%. OR b. Documentation (such as photographs) from the applicant.	a. Police Beat/Zone meets the high crime requirement. b. Presence of abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure, is undetermined. Meets this criterion.
4. Underdevelopment: $\leq 20\%$ of Development Activity Within the City.	NPU: "V." Percentage Within the NPU: -11% Res./+3%Non-Res.	The NPU has $\leq 20\%$ of development activity within the City. Meets this criterion.

RESULT OF THE ANALYSIS: THE PROPERTY IS X IS NOT COULD BE ELIGIBLE

*Source of utilized eligibility data: 2002 Database.

**To be eligible for enterprise zone designation, a property shall be located within an area that meets three of the four listed criteria: poverty, unemployment, general distress, and underdevelopment.